

# EXHIBIT B

## Controlled Equipment (Military Equipment)

### 708.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting of use requirements of controlled equipment, also defined as “military equipment” pursuant to Assembly Bill 481 (Government Code § 7070; Government Code § 7071; Government Code § 7072).

#### 708.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

**Governing body** – The elected or appointed body that oversees the Department.

**Controlled Equipment** – Includes items defined in California Government Code section 7070, subsections (c)(1) through (c)(16); and any other item deemed to be controlled equipment by the governing body.

### 708.2 POLICY

It is the policy of the Milpitas Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to controlled equipment.

### 708.3 CONTROLLED EQUIPMENT COORDINATOR

The Chief of Police, or designee, shall act as the controlled equipment coordinator. The responsibilities of the controlled equipment coordinator include but are not limited to:

- (a) Acting as a liaison to the governing body to meet the requirements of this policy.
- (b) Identifying equipment currently owned or used by the Milpitas Police Department, and that equipment the Department intends to acquire or use, that qualifies as controlled equipment and ensuring compliance with legislative mandates.
- (c) Conducting an annual inventory of all controlled equipment.
- (d) Collaborating with any allied agency that may use controlled equipment within the City of Milpitas (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating an annual community engagement meeting to include:
  - 1. Publicly noticing the meeting no less than 30 days in advance.
  - 2. Preparing for public inquiries regarding the department’s funding, acquisition, and use of equipment.

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(f) Preparing the annual controlled equipment report for submission to the Chief of Police and ensuring that the report is made available to the public on the department website (Government Code § 7072).

(g) Establishing a procedure for the public to register a complaint or concern, submit a question about the use of controlled equipment, and identify how the Department will respond.

## **708.4 CONTROLLED EQUIPMENT INVENTORY**

A list of equipment currently held by the department or in coordination with another local agency is attached to this policy as Exhibit 1 and incorporated into this policy by reference. The inventory list will be updated each year as part of the annual report required pursuant to AB 481.

## **708.5 APPROVAL**

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the controlled equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed controlled equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the controlled equipment (Government Code § 7071). The controlled equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

(a) Requesting controlled equipment from the Federal Government pursuant to 10 USC § 2576a (Ex: 1033 Program)

(b) Seeking funds for controlled equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(c) Acquiring controlled equipment either permanently or temporarily, including by borrowing or leasing.

(d) Collaborating with another law enforcement agency in the deployment or other use of controlled equipment within the jurisdiction of this department.

(e) Using any new or existing controlled equipment for a purpose, in a manner, or by a person not previously approved by the governing body.

(f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of controlled equipment.

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(g) Acquiring controlled equipment through any means not provided above.

## **708.6 EXIGENCY- PROCUREMENT AND USE**

Nothing in this policy shall prohibit the procurement or use of controlled equipment when exigent circumstances exist. In rare circumstances, exigent circumstances may occur where the immediate procurement and use of controlled equipment may be necessary to preserve life, prevent physical harm to officers or other persons, prevent the destruction of relevant evidence, prevent the escape of the suspect, or maintain public safety. In the event such an event occurs, the Chief of Police or the authorized designee may authorize the procurement and use of controlled equipment. Any exigent procurement and/or use of controlled equipment will be reported to the governing body, in writing, unless such information is confidential or privileged under local, state or federal law.

## **708.7 ANNUAL REPORT**

Upon approval of a controlled equipment policy, the Chief of Police or their authorized designee shall submit a controlled equipment report to the governing body for each type of controlled equipment approved within one year of approval, and annually thereafter for as long as the controlled equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee shall also make each annual controlled equipment report publicly available on the department website for as long as the controlled equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of controlled equipment in department inventory.

## **708.8 COMMUNITY ENGAGEMENT**

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of controlled equipment.

## **708.9 MAINTENANCE AND RESUPPLY OF CONTROLLED EQUIPMENT**

In the event a previously approved supply of controlled equipment falls below the approved quantity, the Department may replenish the supply, as needed, without first obtaining additional approval from the Governing Body.

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## EXHIBIT 1

Controlled Equipment Inventory